

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re:** ) **Chapter 11**  
 )  
CIRCUIT CITY STORES, INC., *et al.*, ) **No. 08-35653-KRH**  
 )  
**Debtors.** ) **Jointly Administered**

**OBJECTION OF ENVISION PERIPHERALS, INC. TO  
CONFIRMATION OF CHAPTER 11 PLAN OF LIQUIDATION**

ENVISION PERIPHERALS, INC. (“EPI”), by counsel, WILEY REIN LLP, Valerie P. Morrison and Dylan G. Trache files this Objection to Confirmation of the First Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its Official Committee of Creditors Holding General Unsecured Claims (“Plan”); stating to the Court as follows:

1. On or about September 22, 2009, Circuit City and the Official Committee of Unsecured Creditors filed the Plan.
2. The Plan as currently proposed does not guarantee payment of EPI’s administrative expense in the amount of \$309,516 (“Administrative Expense”) as required by § 1129(a)(9).
3. Currently pending is the above-captioned debtors’ (“Debtors” or “Circuit City”) (i) Fifty-First Omnibus Objection to Certain 503(b)(9) Claims (“Administrative Expense Objection”). Through the Administrative Expense Objection, the Debtors seek to “temporarily disallow” or “suspend” EPI’s Administrative Expense on the basis of Circuit City’s bald assertion that EPI received avoidable transfers.
4. In the event that the Administrative Expense is “temporarily disallowed,” or allowance is otherwise suspended or held in abeyance, the Plan and proposed Liquidating Trust

Agreement are susceptible to interpretation that they permit distributions to be made to other administrative creditors and possibly junior creditors, without any reserve or other guarantee that EPI's Administrative Expense will be paid. Absent payment of EPI's Administrative Expense in full on the effective date or the establishment of a reserve, the Plan cannot be confirmed under 11 U.S.C. § 1129(a)(9) and (11).

WHEREFORE, based upon the foregoing, EPI respectfully requests that the Court deny confirmation of the Plan, unless the Plan is modified to specifically require the Debtors and the Trustee to establish a reserve in accordance with Federal Rule of Bankruptcy Procedure 3020(a) for the entirety of EPI's Administrative Expense in the amount of \$309,516.

Respectfully submitted,

ENVISION PERIPHERALS, INC.

By Counsel

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By: /s/ Dylan G. Trache  
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Counsel to Envision Peripherals, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 13, 2009, the foregoing Objection was sent by overnight delivery to:

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